



# CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, December 13, 2022  
*via Teleconference and In Person*

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**Please Note: The City Council will meet in person as well as via Telephone/Video Conference**

**Telephone: 1-669-444-9171 / Webinar ID: 822 8703 5947**

**<https://losaltosca-gov.zoom.us/j/82287035947?pwd=STNvYUV5bHQrRUhRNHQ0cU9jcWJRQT09>**

**Passcode: 309092**

**TO PARTICIPATE IN-PERSON:** Members of the public may also participate in person by being present at the Los Altos Community Center within the Sequoia meeting room located at 97 Hillview Ave, Los Altos, CA

**TO PARTICIPATE VIA VIDEO:** Follow the link above. Members of the public will need to have a working microphone on their device and **must have the latest version of ZOOM installed** (available at <https://zoom.us/download>). To request to speak, please use the “Raise hand” feature located at the bottom of the screen.

**TO PARTICPATE VIA TELEPHONE:** Members of the public may also participate via telephone by calling the number listed above. To request to speak, press \*9 on your telephone.

**TO SUBMIT WRITTEN COMMENTS:** Prior to the meeting, comments on matters listed on the agenda may be emailed to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov). Emails sent to this email address are sent to/received immediately by the City Council. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. .

*Public testimony will be taken at the direction of the Mayor, and members of the public may only comment during times allotted for public comments.*

## AGENDA

**CALL MEETING TO ORDER**

**ESTABLISH QUORUM**

**PLEDGE ALLEGIANCE TO THE FLAG**

**REPORT ON CLOSED SESSION**

## CHANGES TO THE ORDER OF THE AGENDA

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

[A.](#) EnterTextHere

### CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

- 1. Approve Tract Map for 4898 El Camino Real:** Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve the Final Map for Tract Map #10581 4898 El Camino Real (H. Musaefendic)
- 2. Approve 2023 Council Meeting Schedule:** Adopt the Meeting Schedule for Council's Regular and Special Meetings for 2023 (A. Rodriguez)
- 3. Affirm 2023 Council Commission and Committee Assignments:** Affirm Mayor appointments to Local, Regional Boards and City Committees and Commissions (A. Rodriguez)
- 4. Second Amendment to the Noll & Tam Architects and Planners' EOC Conceptual Design Agreement for the Design, Construction Documents, and Construction Administration for the New Emergency Operations Center (EOC):** Adopt a resolution to authorize the City Manager to execute Amendment No. 2 to the EOC Conceptual Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$250,690 to provide Design, Construction Documents, and Construction Administration for a new Emergency Operations Center to be constructed in the Community Center (M. Loatfi)
- 5. Emergency Declaration Resolution:** Adopt a Resolution extending the declaration of a local emergency due to the COVID-19 pandemic (J. Maginot)
- 6. Minutes:** Approve Minutes of the City Council Regular Meeting of November 29, 2022. (A. Rodriguez)
- 7. Accept Resolution No. 2022-xx: Releasing Unclaimed Funds**
- 8. Establishment of a 401(a) Money Purchase Plan for Unrepresented Employees:** Adopt Resolution 2022-XX to establish a 401(a) Money Purchase Plan for unrepresented employees and authorize the City Manger to execute the required adoption documents (I. Silipin)
- 9. Resolution No. 2022-xx: Declaration of election results and canvass of returns:** Adopt a Resolution accepting the Certificate of Election Results from the Santa Clara County Registrar of

Voters for the November 8, 2022 General Municipal Election and declaring the results to be final (A. Rodriguez)

## SPECIAL ITEM

### 10. Council Reorganization:

- a. Remarks from outgoing Council member
- b. Vice Mayor and Council members remarks about outgoing Mayor
- c. Administration of Oath to newly elected Council members
- d. Remarks from newly elected Council members
- e. Election of new Mayor and Vice Mayor
- f. Remarks from new Vice Mayor
- g. Remarks from new Mayor

## ADJOURNMENT

**(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)**

### SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body.

If you wish to provide written materials, please provide the City Clerk with 10 copies of any document that you would like to submit to the City Council for the public record.



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)



**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item not on the agenda December 13, 2022  
**Date:** Tuesday, December 13, 2022 7:22:18 PM  
**Attachments:** [proclamation.pdf](#)

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Please see attached proclamation read by Nancy Phillips at the meeting.

Thanks,

Pat Marriott

# *Proclamation*

## *of Grateful Residents*

### *of the City of Los Altos, California*

WHEREAS, Anita Enander, in her service as Mayor and Councilmember, has been an independent voice, representing all constituents, respecting residents and staff, helping guide the city through troubled times; and

WHEREAS, She provided expertise in land use issues to help complete the Housing Element Update; and

WHEREAS, She co-led recruitment and hiring of City Manager Gabe Engeland; and

WHEREAS, She prioritized attraction and retention of city staff to better run our city; and

WHEREAS, She helped uncover major financial flaws in the city's financial system; and

WHEREAS, She worked with the city manager to gain approval of a 5-year CIP infrastructure plan; and

WHEREAS, She endorsed a conservative budget to cover essentials and pay long-delayed pension obligations; and

WHEREAS, She partnered with various colleagues on key issues, in every case gaining Council agreement.

IN WITNESS WHEREOF, we the undersigned grateful residents have hereunto set our hands and affixed this seal of appreciation this 13<sup>th</sup> day of December 2022.



Nancy Phillips  
 Pat Marriott  
 Roberta Phillips  
 Wallace R. Palmer  
 Freddie Park Wheeler  
 Leonard Yool  
 Jonathan Baer  
 Ken Lorell  
 Ron Packard  
 Jim Jolly  
 Carey Lai  
 Cindy Langley Andrews  
 Nancy Martin  
 John W. Heath, Esq.  
 Jenna Moore  
 Carlo Fenwick  
 Ron Ellickson  
 Kirk Lindstrom  
 Michael Ellerín  
 William F. (Bill) Moniz  
 Phan Troung  
 Harriet Gridley  
 Becky Sarabia  
 Timothy Forell  
 Alice Kwei  
 Lida Naftchi  
 Dr. Ronald Goosens  
 Catherine Nunes

Randall Hull  
 Bill Hough  
 Teresa Baer  
 Deborah Boyd  
 Camille Casale  
 Tim Fennel  
 Loretta Fennel  
 Richard Gorman  
 Don Phillips  
 Nicole Phillips  
 Bill Daley  
 Monica Waldman  
 Sally Xu  
 Melissa Malley  
 Dana Tasic  
 Otto Skelton  
 Adele Hennig  
 Linda Palmor  
 Robert Jacobsen  
 Maria Bautista  
 Norma Schroder  
 Barbara DeBell  
 Jane Fuchs  
 Chinhua Kwei  
 Richard Kane  
 Ramin Naftchi  
 Eleanor Tung  
 Mike Plasterer

Nancy Ellickson  
 Divar Essaid  
 Roland Dow  
 Kathleen Dow  
 Jill Knapp  
 Kate Disney  
 Caroline Bedard  
 Scott Spielman  
 Charis Spielman  
 Debbie Skelton  
 Teresa Morris  
 Janet Corrigan  
 Peggy Huang  
 Bob Malley  
 Jonathan Shores  
 Fred Tuerk  
 Anita Siegel  
 Julian Palmor  
 Janet Warrington  
 John W. Heath  
 Tony Lima  
 Gary DeBell  
 Joseph Fuchs  
 C. John Won  
 Jack Kwei  
 Armen Naftchi  
 Jeff Wilde

Paul Boetius  
 Erika Boetius  
 Tom Ferry  
 Albert Rooney  
 Sonoko Rooney  
 Jake Iantosca  
 Mariel Stoops  
 Karen Akiyama  
 Dinesh Desai  
 William C. White  
 Tony Guan  
 John Corrigan  
 Robert Kline  
 Sheryl Johnson  
 Jane Osborn  
 Frank Martin  
 Arlene Bazarian  
 Gail Ostendorf  
 Jon Saunders  
 Carol A. Tracht  
 Ken Gridley  
 Rafael Sarabia  
 Michael Schuh  
 Margaret Goossen  
 Jo Ann Estill  
 Alden Sam Naftchi  
 Marta Wilde

**From:** [Jon Baer](#)  
**To:** [Public Comment](#)  
**Subject:** please put my comments which i spoke during public comments at 12/13/22 council meeting into the public record  
**Date:** Tuesday, December 13, 2022 7:39:31 PM  
**Attachments:** [enander talk2.docx](#)

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See attached

On behalf of myself, my family and so many residents in Los Altos, I would like to thank you, Mayor Anita Enander for your 4 years of service to the city and the community.

you exemplify what we want, but all too often don't get in our leaders. Smart, thoughtful, thorough. Deep relevant experience and knowledge with a willingness to dig into the details. A true caring for the community and a desire to balance, often divergent interests and needs. all of this without favoring one special group over the best interests of all.

You never put personal agenda over choosing the best option or the best people. Many of us in town will miss your efforts to do the right thing.

I know that you will continue to work for the good of the community going forward, and for that the Los Altos community should be grateful.



### AGENDA REPORT SUMMARY

**Meeting Date:** December 13, 2022

**Subject:** Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve the Final Map for Tract Map #10581 4898 El Camino Real

**Prepared by:** Harun Musaefendic, Assistant Engineer  
**Reviewed by:** Victor Chen, Engineering Services Manager  
Jim Sandoval, Public Works Director/City Engineer  
**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**  
1. Tract Map #10581  
2. Subdivision Improvement Agreement

**Initiated by:**  
ADL 15 LLC

**Previous Council Consideration:**  
October 1, 2019

**Fiscal Impact:**  
None

**Environmental Review:**  
The approval of a final map is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA guidelines section 15268(b)(3) in that CEQA does not apply to ministerial projects.

**Policy Question(s) for Council Consideration:**  
None

**Summary:**

- Tentative map was approved on October 1, 2019
- Council to approve Tract Map #10581

**Staff Recommendation:**  
Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve the Tract Map #10581 of 4898 El Camino Real.

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City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



**Subject:** Approve the Final Map for Tract Map #10581, 4898 El Camino Real

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**Purpose**

Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve Tract Map #10581.

**Background**

On October 1, 2019, Council approved the multi-family design review application and the associated Tentative Map for the new development at 4898 El Camino Real. The recommended action will finalize the tentative final map for the project.

A Tentative Map (AKA, Tentative Parcel Map or Tentative Tract Map) is a map showing the layout of a proposed Subdivision, including the general description of the associated infrastructure. The approved Tentative Map also sets conditions such as access, frontage, grading improvements, stormwater protection, and so forth which must be met before the final Parcel Map or Tract Map can be filed. An approved Tentative Map does not divide the property, rather it sets the conditions under which the division can occur. To actually divide the property, one must file a Parcel Map or Tract Map.

The attached Tract Map is the instrument that divides the property. It must conform to and incorporate all the Tentative Map conditions and must also comply with the standards for Parcel Maps or Tract Maps as set forth in the State Subdivision Map Act. It must also include plans describing the various improvements to the project site and to all other affected properties, including public roadways and public and private utilities.

**Discussion/Analysis**

Tract Map #10581 for the development at 4898 El Camino Real conforms to the Tentative Map approved on October 1, 2019. The map and survey have been checked and found satisfactory. All conditions of approval have been complied with and appropriate controls to ensure compliance have been established. All required fees and deposits have been received. The Tract Map is available in the Engineering Services Department office for inspection.

**Recommendation**

The staff recommends that the City Council authorizes the City Manager to execute the Subdivision Improvement Agreement and move to approve Tract Map #10581, which will enable the developer to complete the building permit application.



**OWNERS' STATEMENT**

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY; THAT WE HEREBY CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

OWNER: ADL 15 LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: ARON DEVELOPERS, INC. A CALIFORNIA CORPORATION  
ITS: MANAGER

BY: [Signature] DATE: 10/7/2022  
NAME: NAVNEET ARON  
ITS: PRESIDENT & CEO

**OWNER'S ACKNOWLEDGEMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF Santa Clara S.S.

ON October 7, 2022 <sup>AP</sup>, 2022, BEFORE ME, Amy Phillips notary public PERSONALLY APPEARED Navneet Aron, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

SIGNATURE: [Signature]

PRINTED NAME: Amy Phillips

COUNTY OF PRINCIPAL PLACE OF BUSINESS: Santa Clara

COMMISSION NO.: 2375759

COMMISSION EXPIRATION DATE: 09/21/2025



**TRUSTEE'S STATEMENT**

CHICAGO TITLE COMPANY, TRUSTEE UNDER DEED OF TRUST RECORDED JULY 1, 2022 AS DOCUMENT NO. 25330173 OFFICIAL RECORDS OF SANTA CLARA COUNTY, ENCUMBERING THE LAND HEREIN SHOWN, HEREBY CONSENTS ON BEHALF OF THE BENEFICIARY TO THE MAKING AND FILING OF THIS MAP.

BY: CHICAGO TITLE COMPANY

SIGNATURE: [Signature]

PRINTED NAME: ROSS KENNEDY

TITLE: VICE PRESIDENT

**SOILS/GEOTECHNICAL NOTE:**

A SOILS REPORT HAS BEEN PREPARED BY CORNERSTONE EARTH GROUP, ENTITLED 'ALTOS TWO, 4898 EL CAMINO REAL, LOS ALTOS, CALIFORNIA', DATED MARCH 19, 2019, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF LOS ALTOS.

**TRACT MAP NO. 10581  
FOR CONDOMINIUM PURPOSES**

BEING A SUBDIVISION OF A PORTION OF LOT 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF UNIVERSITY PLACE", FILED FOR RECORD APRIL 29, 1892 IN BOOK "E" OF MAPS, PAGE 149, RECORDS OF SANTA CLARA COUNTY.

CITY OF LOS ALTOS SANTA CLARA COUNTY CALIFORNIA  
OCTOBER 2022



**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ADL 15 LLC IN JULY 2022. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IN ANY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 2024; THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: 10-5-22 SIGNED: [Signature]  
MICHAEL W. THOMPSON  
LS 9023



**TRUSTEE'S ACKNOWLEDGMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF Alameda S.S.

ON 10/19/22, 2022, BEFORE ME, Gina Rose PERSONALLY APPEARED Ross Kennedy, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

SIGNATURE: [Signature]

PRINTED NAME: Gina Rose

COUNTY OF PRINCIPAL PLACE OF BUSINESS: Alameda

COMMISSION NO.: 2279664

COMMISSION EXPIRATION DATE: 3/4/23

**CITY CLERK'S STATEMENT**

I HEREBY STATE THAT THIS MAP, DESIGNATED AS TRACT NO. 10552, CONSISTING OF TWO (2) SHEETS WAS APPROVED BY THE CITY COUNCIL OF LOS ALTOS, STATE OF CALIFORNIA, BY RESOLUTION NO. \_\_\_\_\_ AT A DULY AUTHORIZED MEETING OF SAID CITY COUNCIL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY: \_\_\_\_\_ DEPUTY  
ANGEL RODRIGUEZ, INTERIM CITY CLERK  
CITY OF LOS ALTOS, CALIFORNIA

**OMITTED SIGNATURES**

A. PURSUANT TO SECTION 66436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING HOLDERS OF EASEMENTS AND/OR OTHER INTERESTS, WHICH CANNOT RIPEN INTO FEE, HAVE BEEN OMITTED.

1. AN INGRESS EGRESS EASEMENT RECORDED APRIL 23, 2015 IN BOOK 2196 OF OFFICIAL RECORDS AT PAGE 279, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

**CITY LAND SURVEYOR'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON SUBDIVISION MAP AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: \_\_\_\_\_  
MARK A. HELTON, LS 7078  
CITY OF LOS ALTOS, CALIFORNIA



**CITY ENGINEER'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF TRACT 10552; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATED: \_\_\_\_\_  
JAMES E. SANDOVAL RCE 55160  
CITY OF LOS ALTOS, CALIFORNIA



**RECORDER'S STATEMENT**

FILE NO. \_\_\_\_\_ FEE \$ \_\_\_\_\_ PAID. ACCEPTED FOR RECORD AND FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 AT \_\_\_\_\_ M., IN BOOK \_\_\_\_\_ OF MAPS, AT PAGE(S) \_\_\_\_\_, SANTA CLARA COUNTY RECORDS AT THE REQUEST OF LEA & BRAZE ENGINEERING.

REGINA ALCOMENDRAS,  
COUNTY RECORDER  
SANTA CLARA COUNTY,  
CALIFORNIA


BY: \_\_\_\_\_  
DEPUTY



# TRACT MAP NO. 10581 FOR CONDOMINIUM PURPOSES

BEING A SUBDIVISION OF A PORTION OF LOT 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF UNIVERSITY PLACE", FILED FOR RECORD APRIL 29, 1892 IN BOOK "E" OF MAPS, PAGE 149, RECORDS OF SANTA CLARA COUNTY.

CITY OF LOS ALTOS      SANTA CLARA COUNTY      CALIFORNIA  
OCTOBER 2022



**LEA & BRAZE ENGINEERING, INC.**  
CIVIL ENGINEERS • LAND SURVEYORS  
2495 INDUSTRIAL PARKWAY WEST HAYWARD, CALIFORNIA 94545  
(510) 887-4086 FAX (510) 887-3019  
WWW.LEABRAZE.COM

### BASIS OF BEARINGS

THE BEARING SOUTH 29°23'20" WEST BETWEEN FOUND MONUMENTS ALONG DISTEL CIRCLE AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD SEPTEMBER 3, 1975 IN BOOK 361 OF MAPS AT PAGE 1, SANTA CLARA COUNTY RECORDS.

### NOTES

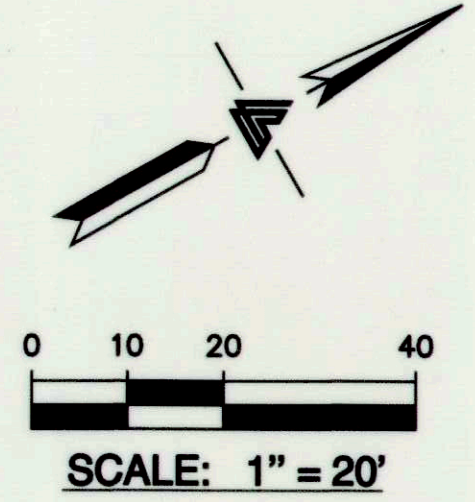
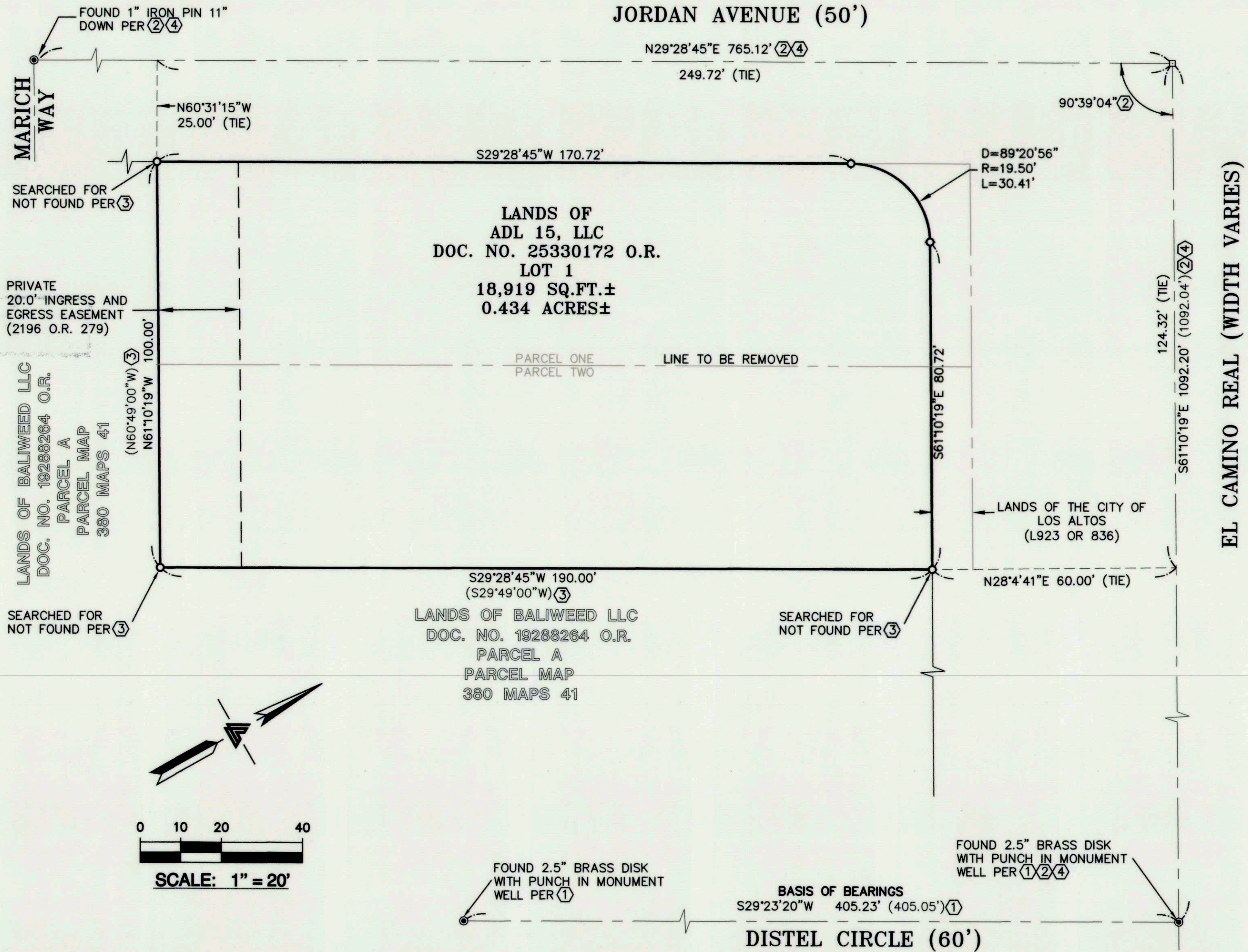
1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. THE TOTAL GROSS AREA OF THIS SURVEY IS 18,919± SQUARE FEET.
3. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY OF THE SUBDIVISION.

### REFERENCES

- ① PARCEL MAP 361 MAPS 1
- ② TRACT MAP 473 MAPS 12-13 ROTATED COUNTER CLOCKWISE 0°00'29"
- ③ PARCEL MAP 380 MAPS 41
- ④ TRACT MAP 527 MAPS 55-56 ROTATED COUNTER CLOCKWISE 0°00'29"

### LEGEND

- FOUND MONUMENT AS NOTED
- SET 3/4" IRON PIPE WITH PLASTIC PLUG "L.S. 9023"
- SET 2.5" BRASS DISK WITH PUNCH IN MONUMENT WELL LS 9023
- ( ) RECORD DATA PER REFERENCE, IF DIFFERENT FROM MEASURED DATA
- BOUNDARY LINE
- PROPERTY LINE
- - - CENTERLINE
- - - TIE LINE
- - - EASEMENT LINE





RECORDING REQUESTED BY:

City of Los Altos

WHEN RECORDED, MAIL TO:

City of Los Altos

City Clerk

1 North San Antonio Road, Los Altos, CA 94022

RECORD WITHOUT FEE UNDER

§§27383 & 27388.1 GOVERNMENT CODE

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(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

Improvement Agreement  
Tract 10581  
APN:170-03-085  
ADL 15 LLC

**IMPROVEMENT AGREEMENT**

This Improvement Agreement (this “Agreement”) is made and entered into by and between the CITY OF Los Altos, a municipal corporation (hereinafter "City"), and ADL 15 LLC, (hereinafter "Developer"). City and Developer may be collectively referred to herein as the “parties.”

**RECITALS**

- A. In accordance with the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the Subdivision Ordinance (Los Altos Municipal Code, Title 13), and the Street Ordinance (Los Altos Municipal Code, Title 9), the Developer has submitted to the City a Final Map (hereinafter “Final Map”) for the project known as Altos One (hereinafter “Project”).
- B. The Project is geographically located within the boundaries of the Tentative Subdivision Map known as Altos Two 4898 El Camino Real (hereinafter “Tentative Map”). Lot located at 4898 El Camino Real (APN: 170-03-085 The Tentative Map is on file with the City Engineer and is incorporated herein by reference. The area within the boundaries of the Tentative Map is described in **Exhibit A** hereto (the “Property”).
- C. The City’s approval of the Tentative Map was subject to specified conditions of approval (hereinafter “Conditions”). The Conditions are attached hereto as **Exhibit B** and incorporated herein by reference.
- D. As required by the Conditions, the Tentative and Final Maps, and other Project entitlements, Developer shall construct public improvements in connection with the Project along El Camino Real and Jordan Avenue, including but not limited to the following: installation of approximately 1,350 square feet of concrete sidewalk, installation of approximately 305 lineal feet of concrete vertical curb and gutter, installation of approximately 1,350 square feet of AC deep lift, installation of one new driveway approach, installation of four accessible ramps, maintaining the existing light fixture and, installation of new light fixture in the sidewalk, installation of striping and red curb, repair of any damaged right-of-way infrastructures, removal and replacement of storm drain inlet, resurfacing (grind and overlay) half of the street along El Camino Real and Jordan Avenue if determined to be damaged and installation of all appurtenances associated with above listed improvements (collectively, the “Work”).

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:**

- 1. **SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work to the Satisfaction of the City Engineer and in accordance with plans and specifications to be approved by the City Engineer (the “Plans and Specifications”). The Work shall be performed, and all materials and labor shall be provided, at the Developer’s sole cost and expense. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer.
- 2. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Developer shall, at the Developer’s expense, obtain and maintain all necessary permits and licenses for the performance of the Work. The Developer shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement. *WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, DEVELOPER HEREBY AGREES TO BE BOUND BY THE LABOR CODE PROVISIONS ATTACHED HERETO AT EXHIBIT C.*

3. **DEVELOPER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (hereinafter "Authorized Representative") on site with authority to act on behalf of the Developer. The Developer shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. The Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.
  
4. **IMPROVEMENT SECURITY.** The Developer shall furnish faithful performance and labor and material security concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work. The Developer shall furnish warranty security prior to the City's acceptance of the Work. The form of the security shall be as authorized by the Subdivision Map Act (including Government Code Sections 66499, *et seq.*) and Section 13.20.210 the Los Altos Municipal Code, and as set forth below:
  - 4(a). **Faithful Performance** security in the amount of \$147,814.00 (which amount is equal to the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
  - 4(b). **Labor and Material** security in the amount of \$73,907.00 (which amount is equal to fifty (50) percent of the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure payment by the Developer to laborers and materialmen pursuant to Government Code Sections 66499.2, 66499.3, and 66499.4.
  - 4(c). **Warranty** security in the amount of \$14,781.00 (which amount is equal to ten (10) percent of the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure faithful performance of this Agreement (from the date on which the City accepts the Work as complete until one year thereafter) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
  
5. **BUSINESS TAX.** The Developer shall apply for and pay the business license tax for a business license, in accordance with Los Altos Municipal Code Chapter 4.04.
  
6. **INSURANCE.** Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer (including its agents, representatives, contractors, subcontractors, and employees) in connection with the performance of services under this Agreement. **Exhibit D** of this Agreement identifies the minimum insurance levels with which Developer shall comply; however, the minimum insurance levels shall not relieve Developer of any other performance responsibilities under this Agreement (including the indemnity requirements), and Developer may carry, at its own expense, any additional insurance it deems necessary or prudent. The general liability and automobile policies required under **Exhibit D** shall contain, or be endorsed to contain, provision for the City, its officers, officials, employees, agents and volunteers, to be covered as additional insureds as respects alleged liability arising out of activities performed by or on behalf of the Developer under this Agreement. Concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any services, the Developer shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Developer shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.
  
7. **REPORTING DAMAGES.** If any damage (including death, personal injury or property damage) occurs in connection with the performance of this Agreement, Developer shall immediately notify the City Risk Manager's office by telephone at 650-947-2609, and Developer shall promptly submit to the City's Risk Manager and the City Manager or designee, a written report (in a form acceptable to the

City) with the following information: (a) a detailed description of the damage (including the name and address of the injured or deceased person(s), and a description of the damaged property), (b) name and address of witnesses, and (c) name and address of any potential insurance companies.

8. **INDEMNIFICATION.** Developer shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City and its elected officials, officers, agents and employees from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorneys' fees) resulting or arising from performance, or failure to perform, under this Agreement (with the exception of the gross negligence or willful misconduct of the City).

9. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

9(a). **Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.

9(b). **Schedule of Work.** Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer's prosecution of the Work.

9(c). **Completion of Work.** The Developer shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement.

10. **INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation. Developer shall reimburse the City for the costs of the City Engineer's inspections of the Work, as required by Los Altos Municipal Code Section 13.20.190.

11. **DEFAULT.** If either party ("demanding party") has a good faith belief that the other party ("defaulting party") is not complying with the terms of this Agreement, the demanding party shall give written notice of the default (with reasonable specificity) to the defaulting party, and demand the default to be cured within ten days of the notice. If: (a) the defaulting party fails to cure the default within ten (10) days of the notice, or, (b) if more than ten (10) days are reasonably required to cure the default and the defaulting party fails to give adequate written assurance of due performance within ten (10) days of the notice, then (c) the demanding party may terminate this Agreement upon written notice to the defaulting party.

11(a). The Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

11(a)(1). The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11(a)(2). The Developer abandons the Project site.

11(a)(3). The Developer fails to perform one or more requirements of this Agreement.

**11(a)(4).** The Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

**11(a)(5).** The Developer violates any legal requirement related to the Work.

**11(b).** Without prejudice to any other remedy available to the City at law, in equity, or under this Agreement, in the event that the Developer fails to cure the default, the City may, in the discretion of the City Engineer, take any or all of the following actions:

**11(b)(1).** Cure the default and charge the Developer for the costs therefor, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

**11(b)(2).** Demand the Developer to complete performance of the Work.

**11(b)(3).** Demand the Developer's surety (if any) to complete performance of the Work.

- 12. ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Engineer, the Developer shall be solely responsible for maintaining the quality of the Work and maintaining safety at the Project site. Neither the final certificate of payment, nor any provision in this Agreement, nor partial or entire use or occupancy of the improvements by the City shall constitute an acceptance of the Work not done in accordance with this Agreement or relieve Developer of liability pursuant to Section 13, below. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, the City Engineer has accepted the Work as complete, and the City Council has authorized the release of the security for faithful performance as described in Government Code Section 66499.7.
- 13. WARRANTY PERIOD.** The Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City. In the event that (during the one-year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Developer under this Agreement, the Developer shall be in default.
- 14. RELATIONSHIP BETWEEN THE PARTIES.** Developer is, and at all times shall remain, an independent contractor solely responsible for all acts of its employees, agents, contractors, or subcontractors, including any negligent acts or omissions. Developer is not City's agent and shall have no authority to act on behalf of the City, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Developer.
- 15. CONFLICTS OF INTEREST PROHIBITED.** Developer (including its employees, agents, contractors, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Developer maintains or acquires a conflicting interest, any contract with the City (including this Agreement) involving Developer's conflicting interest may be terminated by the City.
- 16. NONDISCRIMINATION.** Developer shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Developer shall not discriminate against any employee or applicant because of race, color, ancestry, ethnicity, religious creed, national origin, physical disability, mental disability, medical condition, marital or family status, sexual orientation, gender or gender identification, age (over 40), veteran status, or sex.

17. **NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt (or refusal) by a party, or (b) actual receipt (or refusal) at the address designated below, or (c) three (3) working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. Either party may modify their respective contact information identified in this section by providing notice to the other party.

**TO: City**

Attn: City Clerk’s office  
Angel Rodriguez  
1 N. San Antonio Road  
Los Altos, Ca 94022

**To: Developer**

Attn: ADL 15 LLC/Navneet Aron  
329 S San Antonio Road #4  
Los Altos, CA 94022

18. **HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.

19. **SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties’ intent under this Agreement.

20. **GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Santa Clara.

21. **ATTORNEYS’ FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney’s fees, costs, and expenses incurred.

22. **ASSIGNMENT AND DELEGATION.** This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the Developer’s duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force or effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.

23. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

24. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

25. **CONFLICTS.** If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Agreement shall control.

26. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Work described herein. This Agreement supersedes all prior negotiations, agreements, and understandings

regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

- 27. **COVENANT RUNNING WITH THE LAND.** This Agreement is entered into as a condition of the Tentative Map, is an instrument affecting the title or possession of the real property, and is intended to run with the land. All the terms, covenants and conditions herein imposed shall be binding upon and inure to the benefit of City, Developer, the successors in interest of Developer, their respective successors and permitted assigns, and all subsequent owners of a fee interest in the Property or of a beneficial interest substantially equivalent to a fee interest. The obligations of the Developer under this Agreement shall be the joint and several obligations of each and all of the parties comprising Developer, if Developer consists of more than one individual and/or entity. Upon the sale or division of the Property, the terms of this Agreement shall apply separately to each parcel and the fee owners of each parcel shall succeed to the obligations imposed on Developer by this Agreement.
  
- 28. **MISCELLANEOUS.** This Agreement may be executed in counterparts, each of which shall be deemed an original. There are no third-party intended beneficiaries of this Agreement. This Agreement represents the contributions of both parties, each of whom has had the opportunity to be represented by competent counsel, and the rule stated in Civil Code Section 1654 that ambiguities in a contract be construed against the drafter shall have no application hereto.
  
- 29. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**IN WITNESS WHEREOF**, the City and Developer do hereby agree to the full performance of the terms set forth herein.

**CITY OF LOS ALTOS**

**DEVELOPER**  
ADL 15 LLC

By: \_\_\_\_\_  
 Title: Gabe Engeland  
 City Manager  
 Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Title: Navneet Aron  
 President & CEO  
 Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
 Title: Jolie Houston  
 City Attorney

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**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

**EXHIBIT "A"**

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ALTOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF THE STATE HIGHWAY KNOWN AS EL CAMINO REAL WITH THE SOUTHEASTERLY LINE OF JORDAN AVENUE 50 FEET WIDE, AS SAID JORDAN AVENUE IS SHOWN UPON THE MAP HEREINAFTER REFERRED TO; THENCE FROM SAID POINT OF BEGINNING RUNNING SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID STATE HIGHWAY 50 FEET; THENCE LEAVING SAID HIGHWAY AND RUNNING SOUTHWESTERLY AND PARALLEL WITH SAID SOUTHEASTERLY LINE OF JORDAN AVENUE 200 FEET; THENCE NORTHWESTERLY AND PARALLEL WITH SAID SOUTHWESTERLY LINE OF SAID STATE HIGHWAY, 50 FEET TO SAID SOUTHEASTERLY LINE OF JORDAN AVENUE; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF JORDAN AVENUE, 200 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 2 OF "MAP OF UNIVERSITY PLACE", AS SHOWN ON A MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA ON APRIL 29, 1892 IN [BOOK E OF MAPS, PAGE 149.](#)

PARCEL TWO:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THE STATE HIGHWAY KNOWN AS EL CAMINO REAL, DISTANT THEREON 50 FEET SOUTHEASTERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHEASTERLY LINE OF JORDAN AVENUE AS SAID JORDAN AVENUE IS SHOWN UPON THE MAP HEREINAFTER REFERRED TO; THENCE FROM SAID POINT OF BEGINNING RUNNING SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID STATE HIGHWAY 50 FEET; THENCE LEAVING SAID STATE HIGHWAY AND RUNNING SOUTHWESTERLY PARALLEL WITH SAID SOUTHEASTERLY LINE OF JORDAN AVENUE 200 FEET; THENCE NORTHWESTERLY AND PARALLEL WITH SAID SOUTHWESTERLY LINE OF SAID STATE HIGHWAY, 50 FEET; THENCE NORTHEASTERLY AND PARALLEL WITH SAID SOUTHEASTERLY LINE OF JORDAN AVENUE, 200 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 2 AS SHOWN ON A MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA ON APRIL 29, 1892 IN [BOOK E OF MAPS, PAGE 149.](#)

EXCEPTING THEREFROM THAT CERTAIN PARCEL CONDEMNED TO THE STATE OF CALIFORNIA BY FINAL ORDER OF CONDEMNATION RECORDED MAY 25 1983 IN [BOOK H582, PAGE 607 OF OFFICIAL RECORDS.](#) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE SOUTHWESTERLY LINE OF THE EXISTING 10 STATE HIGHWAY, ROAD-04-SCI-82, COMMONLY KNOWN AS EL CAMINO REAL, AT THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED TO CITY OF LOS ALTOS, A MUNICIPAL CORPORATION, RECORDED JUNE 24, 1969 IN [BOOK 8580 AT PAGE 283, OFFICIAL RECORDS](#) OF SANTA CLARA COUNTY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL, SOUTH 30° 33' 13" WEST, 10.00 FEET TO A LINE PARALLEL WITH AND DISTANT 10.00 FEET SOUTHWESTERLY AT ANGLES FROM SAID EXISTING SOUTHWESTERLY HIGHWAY LINE; THENCE ALONG SAID PARALLEL LINE NORTH 60° 05' 42" WEST, 80.70 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 19.50 FEET, THROUGH AN ANGLE OF 89° 21' 05", AN ARC LENGTH OF 30.41 FEET TO THE SOUTHEASTERLY LINE OF JORDAN AVENUE, AS SAID AVENUE IS SHOWN UPON SAID MAP; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 30° 33' 13" EAST, 29.28 FEET TO SAID EXISTING SOUTHWESTERLY HIGHWAY LINE; THENCE ALONG LAST SAID LINE, SOUTH 60° 05' 42" EAST, 99.98 FEET TO THE POINT OF COMMENCEMENT.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**

**EXHIBIT B**  
**CONDITIONS**

**GENERAL**

- 1. **Approved Plans**  
The project approval is based upon the plans received on August 8, 2019, except as modified by these conditions.
- 2. **Affordable Housing**  
The applicant shall offer the City six (6) below market rate units for the 28-unit project dispersed throughout the project as follows:
  - a. Two (2) one-bedroom at a very-low income level;
  - b. One (1) two-bedroom at the low income level;
  - c. One (1) three-bedroom at the low income level;
  - d. One (1) two-bedroom units at the moderate-income level; and
  - e. One (1) three-bedroom units at the moderate-income level;
- 3. **Upper Story Lighting**  
Any exterior lighting above the ground floor on the sides and rear of the building and on the rooftop deck shall be shrouded and/or directed down to minimize glare.
- 4. **Encroachment Permit**  
An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer. *Note: Any work within El Camino Real will require applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*
- 5. **Public Utilities**  
The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
- 6. **Americans with Disabilities Act**  
All improvements shall comply with Americans with Disabilities Act (ADA).
- 7. **Stormwater Management Plan**  
The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

**8. Sewer Lateral**

Any proposed sewer lateral connection shall be approved by the City Engineer.

**9. Transportation Permit**

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

**10. Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.

**PRIOR TO SUBMITTAL OF BUILDING PERMIT**

**11. Elevator Tower Design**

The elevator tower design shall be subject to City Council Subcommittee review and approval to mitigate the perceived six-story appearance of the elevator tower without increasing the overall volume, bulk or mass of the structure.

**12. Parapet Wall**

The parapet wall shall be a sufficient height to screen the mechanical equipment from public view and it shall be designed to be consistent with the building architecture in form, material and detailing.

**13. Green Building Standards**

The applicant shall provide verification that the project will comply with the City's Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

**14. Property Address**

The applicant shall provide an address signage plan as required by the Building Official.

**15. Water Efficient Landscape Plan**

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations.

**16. Air Quality Mitigation**

The applicant shall implement and incorporate the air quality mitigations into the plans as required by the report prepared by Illingsworth & Rodin, Inc., dated February 8, 2019.

**17. Noise Mitigation**

The applicant shall implement and incorporate the conditions and noise mitigation measures into the plans as required by the report by Illingsworth & Rodin, Inc., dated February 8, 2019.

**18. Rooftop Deck**

Provide design details for the rooftop deck sufficient enough to verify that the space can operate in compliance with the performance standards proscribed by Municipal Code Section 14.50.160.

**PRIOR TO FINAL MAP RECORDATION**

**19. Covenants, Conditions and Restrictions**

The applicant shall include provisions in the Covenants, Conditions and Restrictions (CC&Rs) as follows:

- a. Parking spaces shall be designated to provide one parking spaces for one-bedroom unit, two parking spaces for each two- or three-bedroom unit, and the remainder of parking spaces shall be designated as guest parking spaces.
- b. Storage on private patios and decks shall be restricted; and rules for other objects stored on private patios and decks shall be established with the goal of minimizing visual impacts.
- c. Long-term maintenance and upkeep of the landscaping and street trees, as approved by the City, shall be a duty and responsibility of the property owners. Specifically, the landscape buffer, including both trees and landscaping, along the rear property line shall be permanently maintained as required by the CT District per Municipal Code Section 14.50.110(C).
- d. The rooftop deck shall be permanently maintained in accordance with the performance standards for Rooftop Uses in the CT District as currently proscribed by Municipal Code Section 14.50.160.
- e. Both parking spaces in a tandem space shall be owned by the same unit and cannot be owned or used by separate units.

**20. Public Utility Dedication**

The applicant shall dedicate public utility easements as required by the utility companies to serve the site.

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

**21. Final Map Recordation**

The applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.

**22. Payment of Fees**

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in lieu fees, traffic impact fees, affordable housing impact fees, public art impact fee and map check fee plus deposit as required by the City of Los Altos Municipal Code.

**23. Affordable Housing Agreement**

The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the Community Development Director and the City Attorney, that offers six (6) or four (4) below market rate units, for a period of at least 55-years, as defined in Condition No. 2. The below market rate units shall be constructed concurrently with the market rate units, shall be

provided at the location on the approved plans, and shall not be significantly distinguishable with regard to design, construction or materials.

**24. Performance Bond**

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100-percent performance bond and 50-percent labor and material bond (to be held 6 months until acceptance of improvements) for the public right-of-way work.

**25. Maintenance Bond**

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

**26. Storm Water Filtration Systems**

The applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation.

**27. Grading and Drainage Plan**

The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer.

**28. Sewage Capacity Study**

The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 27-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer.

**29. Construction Management Plan**

The applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. The adjacent residential neighborhoods shall be protected from construction vehicle parking. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

**30. Solid Waste Ordinance Compliance**

The applicant shall be in compliance with the City's adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all commercial and multi-family dwellings provide for recycling and organics collection programs.

**31. Solid Waste and Recyclables Disposal Plan**

The applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type, size and number of containers proposed, and the frequency of



pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the City's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure. In addition, applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

**32. Sidewalk Lights**

The applicant shall maintain the existing light fixture and/or install new light fixture(s) in the El Camino Real and Jordan Ave. sidewalk as directed by the City Engineer.

**33. Tree Protection**

The applicant shall implement and incorporate the tree protection measures into the plans and on-site as required by staff and in accordance with the report by KIELTY Arborist Services dated January 3, 2019.

**PRIOR TO FINAL OCCUPANCY**

**32. Condominium Map**

The applicant shall record the condominium map as required by the City Engineer.

**34. Electric Vehicle (EV) Charging Stations**

EV charging infrastructure shall be installed consistent with the plans received on August 8, 2019.

**35. Landscape and Irrigation Installation**

All on- and off-site landscaping and irrigation shall be installed and approved by the Community Development Director and the City Engineer. Provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

**33. Signage and Lighting Installation**

The applicant shall install all required signage and on-site lighting per the approved plan. Such signage shall include the disposition of guest parking, the turn-around/loading space in the front yard and accessible parking spaces.

**34. Green Building Verification**

The applicant shall submit verification that the structure was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

**35. Acoustical Report**

The applicant shall submit a report from an acoustical engineer ensuring that the rooftop mechanical equipment meets the City's noise regulations.

**36. Sidewalk in Public Right-of-Way**

The applicant shall install new sidewalk, vertical curb and gutter, and driveway approaches from property line to property line along the frontage of El Camino Real and Jordan Avenue as shown on the approved plans and as required by the City Engineer.

**37. Public Infrastructure Repairs**

The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee. The applicant is responsible to resurface (grind and overlay) half of the street along the frontage of El Camino Real and Jordan Ave. if determined to be damaged during construction, as directed by the City Engineer or his designee. *Note: Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.*

**38. Maintenance Bond**

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

**39. SWMP Certification**

The applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The applicant shall submit a maintenance agreement to City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement.

**40. Stop Sign**

Install a "STOP" sign and stop bar at the garage exit to advise motorists to STOP before exiting the driveway.

**41. Warning Sign**

Install a "Car Coming" warning sign should be provided on the wall next to the parking garage entrance to alert pedestrians and bicyclists of vehicles exiting the garage.

**42. Bicycle Pathway**

A pathway (painted) shall be shown on the lower level basement floor plan to delineate a pathway from the elevator to the bicycle storage lockers on the lower basement level.

**43. Red Zones**

The project plans show a red zone to the left of the driveway (when exiting) along Jordan Avenue. In addition, a red zone shall be painted 19 feet to the right of the driveway along Jordan Avenue to provide adequate sight distance.

**EXHIBIT C**

**LABOR CODE PROVISIONS**

1. This Agreement is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.
2. The Work is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
3. Developer shall not enter into a contract with a contractor for the performance of the Work unless the contractor and its subcontractors are registered with the California Department of Industrial Relations to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.



**EXHIBIT D**

**INSURANCE REQUIREMENTS**

Developer’s performance of Work under this agreement shall not commence until Developer shall have obtained all insurance required under this Exhibit and such insurance shall have been reviewed and approved by the Risk Manager. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

Developer shall procure and maintain for the duration of the contract all necessary insurance against claims now and in the future for alleged injuries to persons or damages to property which may arise from or in connection with the performance of the Work by the Developer, the Contractor it’s agents, representatives, employees and contractors.

**INSURANCE COVERAGE AND LIMITS RESTRICTIONS**

- 1. It shall be a requirement under this agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater.
- 2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City’s own insurance or self-insurance shall be called upon to protect it as a named insured.

**A. MINIMUM SCOPE OF INSURANCE**

Coverage shall be at least as broad as:

- 1. Insurance Services Office Commercial General Liability coverage:
  - a. Blanket contractual liability
  - b. Broad form property coverage
  - c. Personal injury
- 2. Insurance Services Office form covering Automobile Liability, code 1 (any auto).
- 3. Workers’ Compensation insurance as required by the State of California and Employer’s Liability insurance.
- 4. Such other insurance coverages and limits as may be required by the City.

**B. MINIMUM LIMITS OF INSURANCE**

Developer shall maintain limits no less than:

- 1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage and a \$2,000,000 aggregate. If Commercial General Liability insurance or other form with a general aggregate liability is used, either the general aggregate limit shall apply separately to this agreement or the general aggregate limit shall be twice the required occurrence limit.
- 2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
- 3. Employer’s Liability:
  - Bodily Injury by Accident - \$1,000,000 each accident.
  - Bodily Injury by Disease - \$1,000,000 policy limit.
  - Bodily Injury by Disease - \$1,000,000 each employee.

- 4. Such other insurance coverages and limits as may be required by the City of.

**C. DEDUCTIBLES AND SELF-INSURED RETENTIONS**

- 1. Any deductibles or self-insured retentions must be declared to and approved by the City of. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City of **\*\*CITY\*\***, its officers, officials, employees, and volunteers; or the Developer shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense expenses.
- 2. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.
- 3. The City reserves the right to obtain a full certified copy of any insurance policy and endorsement. Failure to exercise this right shall not constitute a waiver of right to exercise later.

**D. ADDITIONAL INSURED REQUIREMENTS:**

The required general liability and automobile policies are to contain, or be endorsed to contain the following provisions:

- a. The City, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects alleged: liability arising out of activities performed by or on behalf of the Developer; products and completed operations of the Developer; premises owned, occupied or used by the Developer; or automobiles owned, leased, hired or borrowed by the Developer. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, agents or volunteers.
- b. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.
- c. The Developer’s insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer’s liability.
- d. Developer shall furnish properly executed Certificates of Insurance from insurance companies acceptable to the City and signed copies of the specified endorsements for each policy prior to commencement of work under this agreement. Such documentation shall clearly evidence all coverages required above including specific evidence of separate endorsements naming the City and shall provide that such insurance shall not be materially changed, terminated or allowed to expire except after 30 days prior written notice by certified mail, return receipt requested, has been filed with the City Clerk.  
Such insurance shall be maintained from the time work first commences until completion of the work under this agreement. Developer shall replace such certificates for policies expiring prior to completion of work under this agreement.

**E. ACCEPTABILITY OF INSURERS**

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A: VII.

**F. COMPLETED OPERATIONS**

Developer shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a minimum of five years following the completion of this project. In the event the Developer fails to obtain or maintain completed operations coverage as required by this agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by the Developer.

**G. CROSS-LIABILITY**

The Liability policy shall include a cross-liability or severability of interest endorsement.

**H. FAILURE TO MAINTAIN INSURANCE COVERAGE**

If Developer, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. The City, at its sole option, may terminate this agreement and obtain damages from the Developer resulting from said breach. Alternatively, the City may purchase such required insurance coverage, and Developer shall reimburse the City for any premium costs advanced by the City for such insurance.

**I. PRIMARY AND NON-CONTRIBUTORY**

For any claims related to this project, the Developer’s insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Developer’s insurance and shall not contribute with it. The additional insured coverage under the Developer’s policy shall be primary and non-contributory” and will not seek contribution from the City’s insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

**J. SUBCONTRACTORS**

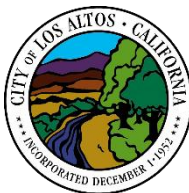
Developer shall require its contractors to maintain the same levels of insurance and provide the same indemnity that the Developer is required to provide under this Agreement. A contractor is anyone who is under contract with the Developer or any of its contractors to perform work contemplated by this Agreement. The Developer shall require all contractors to provide evidence of valid insurance and the required endorsements prior to the commencement of any work.

**K. SUBROGATION WAIVER**

Developer agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all Contractors, subcontractors or others involved in any way with the services to do likewise.

**L. VERIFICATION OF COVERAGE**

Developer shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the City before the services commence.



**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject** Approve 2023 Council Meeting Schedule: Adopt the Meeting Schedule for Council’s Regular and Special Meetings for 2023

**Prepared by:** Angel Rodriguez, Interim City Clerk

**Reviewed by:** Jon Maginot, Assistant City Manger

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. 2023 Council Meeting Schedule

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to approve the 2023 City Council meeting schedule?

**Summary:**

- The City Council regularly meets on the second and fourth Tuesdays of each month

**Staff Recommendation:**

Approve the 2023 City Council meeting schedule

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JE



**Subject:** Approve 2023 Council Meeting Schedule: Adopt the Meeting Schedule for Council’s Regular and Special Meetings for 2023

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**Purpose**

To set the City Council meeting schedule for 2022.

**Background**

The City Council holds its regular meetings on the second and fourth Tuesdays of each month, beginning at 7:00 p.m. and sets its meeting schedule in December of the year prior.

**Discussion/Analysis**

The proposed City Council 2023 meeting schedule can be referenced in Attachment 1 of the Council packet.

**Recommendation**

Approve 2023 Council Meeting Schedule.



**2023 CITY COUNCIL MEETING SCHEDULE**  
Proposed December 13, 2022

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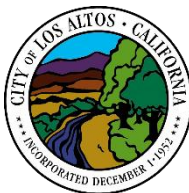
- January 10, 2023
- January 24, 2023
- February 14, 2023
- February 28, 2023
- March 14, 2023
- March 28, 2023
- April 11, 2023
- April 25, 2023
- May 9, 2023
- May 23, 2023
- June 13, 2023
- June 27, 2023
- July 11, 2023
- August 22, 2023
- September 12, 2023
- September 26, 2023
- October 10, 2023
- October 24, 2023
- November 14, 2023
- November 28, 2023
- December 12, 2023

In addition, the following Special City Council Meetings are scheduled:

- January 2023            Council Retreat
- December 5, 2023    Council Reorganization

The adopted schedule includes cancelling the second regular meeting in July and the first regular meeting in August for a summer break and the second meeting in December that falls during City Hall’s end of year holiday closure.

The reorganization of the Council and the seating of new Councilmembers shall occur at a special meeting held on the earliest available Tuesday following the certification of election results, which is typically on the first Tuesday of December per Council Norms.



**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject** Affirm 2023 Council Commission and Committee Assignments: Affirm Mayor appointments to Local, Regional Boards and City Committees and Commissions

**Prepared by:** Angel Rodriguez, Interim City Clerk

**Reviewed by:** Jon Maginot, Assistant City Manger

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. 2023 Council Assignments

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to affirm the Mayor’s appointments to local, regional boards and City committees and commissions for 2023?

**Summary:**

- The Mayor annually appoints Councilmembers to serve on local, regional boards and Council committees and commissions for 2023

**Staff Recommendation:**

Affirm the Mayor’s appointments to local, regional boards and Council committees and commissions for 2023.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JE



**Subject:** Affirm 2023 Council Commission and Committee Assignments: Affirm Mayor appointments to Local, Regional Boards and City Committees and Commissions

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**Purpose**

Affirm the Mayor’s appointments to local, regional boards and Council committees and commissions for 2023.

**Background**

Per the City’s Council Norms and Procedures, the Mayor appoints Councilmembers to serve on various local, regional Council Committees and regional boards. These appointments are done at the beginning of each year with the exception of certain, multi-year appointments. The appointments are subject to affirmation by the full Council.

**Discussion/Analysis**

For calendar year 2023, Mayor Meadows assignments can be referenced in Attachment 1.

**Recommendation**

Affirm the Mayor’s appointments to local, regional boards and Council committees and commissions for 2023.



## 2023 City Council Assignments

Assignments will be confirmed at the December 13, 2022 Regular Council meeting

### Council Standing Committees

Council Legislative Subcommittee**	<i>see footnote</i>
City/LASD Schools Issues	Lee Eng, Dailey
City/MVLA High School Issues	Meadows, Weinberg
City/CUSD/FUSD Schools Issues	Lee Eng, Fligor
Open Government	Meadows, Weinberg
Youth Commission Interview	Weinberg, Fligor

### Community Organizations

CHAC	Meadows
Los Altos/Los Altos Hills Joint Community Volunteer Awards Committee	Fligor

### County and Regional Organizations

	Primary	Alternate (if any)
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*Association of Bay Area Governments	Fligor	Weinberg
Santa Clara County Cities Association – Board	Meadows	Weinberg
Santa Clara County Cities Association – Legislative Action Committee***	<i>see footnote</i>	<i>see footnote</i>
Santa Clara County Cities Association – Selection Committee	Meadows	Weinberg
*Santa Clara County Library District JPA	Lee Eng	Fligor
*North County Library Authority (2 year term)	Meadows, Dailey	
Valley Transportation Authority - Policy Advisory Committee	Weinberg	Fligor
Valley Transportation Authority - State Route 85 Corridor Policy Advisory Board	Fligor	Weinberg
*Santa Clara Valley Water Commission (2-year term)	Fligor	Dailey
County Housing & Community Development Advisory Committee (HCDAC)	Dailey	0
Silicon Valley Regional Interoperability Authority (SVRIA) (3-year term)	Weinberg	Dailey
Grand Boulevard Initiative Task Force	Dailey	Meadows
Silicon Valley Clean Energy Authority Board	Meadows	Dailey
Santa Clara County Expressway Policy Advisory Board	Fligor	0

### Commissions

Complete Streets	Fligor
Design Review	Meadows
Environmental	Dailey
Financial	Weinberg
Historical	Meadows
Library	Meadows
Parks and Recreation	Fligor
Planning	Weinberg
Public Arts	Dailey
Senior	Lee Eng
Youth	Lee Eng

\*Designated Filer for Form 700

\*\*Will be discussed as future City Council agenda item

\*\*\*No Councilmember interest



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Roberta Phillips](#)  
**To:** [Public Comment](#); [Gabriel Engeland](#)  
**Subject:** Council Meeting Dec 13,2022 Item #3  
**Date:** Sunday, December 11, 2022 11:55:19 AM

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Dear Council Members and City Manager Engeland  
I would like to pull Item #3 titled : Affirm 2023 Commission and Committee Assignments,from the consent calendar and have it as a discussion item. I will attend the meeting via zoom.  
Sincerely  
Roberta Phillips



**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject:** Second Amendment to the Noll & Tam Architects and Planners’ EOC Conceptual Design Agreement for the Design, Construction Documents, and Construction Administration for the New Emergency Operations Center (EOC)

**Prepared by:** Morgan Loatfi, Special Projects Manager

**Reviewed by:** James Sandoval, Director of Public Works

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- Attachment A: Scope of Work and Fee Estimate
- Attachment B: Resolution

**Initiated by:**

City Council – Capital Improvement Plan Project CF-01021

**Previous Council Consideration:**

None

**Fiscal Impact:**

The proposed scope of work for this agreement is estimated to cost \$250,690. Sufficient funds are available in Project CF-01021—Emergency Operations Center in the FY-2022/23 CIP budget.

- Amount already included in approved budget? Yes
- Total Budget Available in CF-01021: \$2,350,000
- Amount above budget requested: \$0

The Scope of Work and a breakdown of the \$250,690 cost proposal is shown in Attachment A.

The proposal to build a standalone EOC behind the police station had an estimated total cost of \$4.6-\$4.9M. The proposal to design and construct an EOC in the Community Center has a total estimated cost of \$2.35M, resulting in a project savings of \$2.25M-\$2.55M.

**Environmental Review:**

Not applicable

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD

**Subject:** Second Amendment to the Noll & Tam Architects and Planners’ EOC Conceptual Design Agreement for the Design, Construction Documents, and Construction Administration for the New Emergency Operations Center (EOC)

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**Policy Question(s) for Council Consideration:**

- Does the Council wish to direct staff to complete the design of the new Emergency Operations Center (EOC), proposed to be integrated into the Los Altos Community Center, and proceed to bid on that project?

**Summary:**

- The City of Los Altos hired Noll and Tam to provide a conceptual design for incorporating a code-compliant EOC into the recently completed Los Altos Community Center.
- Noll and Tam found the Community Center has the required spaces needed accommodate the design elements required for a new EOC.
- Staff is seeking Amendment No. 2 to Noll and Tam’s contract to carry forth design, construction documents, and construction administration services for the EOC in an amount not to exceed \$250,690. The Scope of Work and a breakdown of this cost proposal is shown in Attachment A.
- The conceptual-level construction cost estimate for the EOC is \$2,342,578, including \$250,690 for the design and construction administration proposed herein, \$172,883 for construction contingency (10%), and \$190,172 for other soft costs (i.e., permitting, construction management, testing, etc.).

**Staff Recommendation:**

Adopt a resolution to authorize the City Manager to execute Amendment No. 2 to the EOC Conceptual Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$250,690 to provide Design, Construction Documents, and Construction Administration for a new Emergency Operations Center to be constructed in the Community Center.

**Purpose:**

To complete the design of the new Emergency Operations Center (EOC) integrated into the Los Altos Community Center.

**Background:**

In Spring 2022, the City of Los Altos hired Noll and Tam to provide a conceptual design for incorporating a code-compliant Emergency Operations Center (EOC) into the recently completed Los Altos Community Center. Noll and Tam was hired sole-source for these services because a) they are intimately familiar with the Community Center since they designed and oversaw construction of this new facility, and b) their team has experience designing essential service facilities like the EOC.

The City requested the design team perform the conceptual design study to

- a) Determine if a Community Center EOC is a more feasible alternative to constructing a new stand-alone EOC behind the City Police Station, and
- b) Study and layout how best to integrate a new EOC into the Community Center’s footprint.

**Subject:** Second Amendment to the Noll & Tam Architects and Planners’ EOC Conc  
 Design Agreement for the Design, Construction Documents, and Construction  
 Administration for the New Emergency Operations Center (EOC)

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The Noll and Tam team worked closely with project stakeholders, including Public Works Engineering, the Police Department, Parks & Recreation Facilities Maintenance, City Administrative staff, and leaders of the Los Altos Amateur Radio Emergency Service (LAARES or “Hams”) to understand their operational and infrastructure needs. This group of stakeholders worked with the design team to identify spaces and design elements within and outside the building that would support the EOC function without impacting the architectural qualities and function of the prominent Community Center.

*Through the conceptual design phase, Noll and Tam found the Community Center has the required spaces needed to feasibly accommodate the design elements required for a new EOC.*

Key to EOC project success is the design goal of minimal modification to the new community center’s aesthetic character. The project team recommended suitable spaces requiring minimal physical modifications and identified design strategies that minimize changes to the interior and exterior architectural character of the building. To this end, the key components of the EOC's design are as follows.

1. The primary EOC staff meeting space will be located in the centrally located Sequoia multi-purpose room, which the Council is currently hosting City Council Meetings in.
2. The LAARES HAM radio operations meeting space will be located in the Manzanita multi-purpose room, which overlooks the bocce ball courts on the north side of the main lobby. Design enhancements will occur to accommodate their seating, power, cabling, and antenna requirements, along with their storage needs.
3. Electrical and HVAC upgrades to meet the standards and code requirements of a fully functioning EOC.

As a fundamental pre-requisite, the City requested that the EOC fully comply with published EOC Code requirements and standards. The Community Center’s structural design currently meets the state’s requirements for an Essential Services Facility. Similarly, the building’s data and telecom infrastructure meet the standards necessary to support an essential services facility.

The existing electrical systems require upgrades to meet emergency power standards. The existing electrical system has a connection port suitable for connecting a portable emergency generator to provide most of the building with emergency power. This feature was included in the original design to support the Community Center’s operation as a shelter. The portable generator is not suitable for an EOC because the time span required to bring a portable generator to the site does not comply with EOC standard for nearly instantaneous emergency power. The project studied several locations and concepts for emergency power systems and generator locations and, together with City Staff, selected a remote location for a new emergency generator west of the Bus Barn Theater—between the theater and the large oak trees. The generator work includes an

**Subject:** Second Amendment to the Noll & Tam Architects and Planners’ EOC Construction Design Agreement for the Design, Construction Documents, and Construction Administration for the New Emergency Operations Center (EOC)

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architecturally appropriate enclosure to dampen sound, underground work to tie the generator into the existing generator port adjacent to the building’s south entrance, and an auto-transfer switch and other electrical upgrades to make the generator EOC-compliant.

Of critical importance to the Center’s operation are communications systems. Since the LAARES are an important part of the City’s response to significant emergencies, the design team has worked closely with them to understand their operations and infrastructure needs so the Manzanita Room will be plug and play ready for them.

The conceptual-level construction cost estimate for the EOC is \$2,342,578, including \$250,690 for the design and construction administration proposed herein, \$172,883 for construction contingency (10%), and \$190,172 for other soft costs (i.e., permitting, construction management, testing, etc.).

As a comparison--in July of 2021, the City Council selected “Option C” for the construction of a standalone EOC behind the police station. The approval of Option C authorized an additional \$2.4M for the EOC, which was added to a previously budgeted amount of \$600,000, bringing the budgeted cost for the EOC to \$3M at the time of approval. In addition to the \$3M, there were known but as-of-yet unbudgeted costs for design review and approval from the Fire Department, construction escalation, entitlements, and contingencies. This increased the cost of Option C an additional \$1.6-\$1.9M, for a total project cost of \$4.6-\$4.9M for design and construction.

Additionally, prior to the approval of Option C, the City’s CIP Fund had an estimated deficit (unfunded obligation) of approximately \$2M. The approved EOC project increased the unfunded obligations to approximately \$4.4M. The additional known but not yet budgeted costs of \$1.6-\$1.9M would have increased the unfunded obligations to more than \$6M at the close of EOC construction.

**Discussion/Analysis:**

Noll & Tam Architects was selected as the sole source Consultant to perform the Design, Construction Documents, and Construction Administration for the Emergency Operations Center (EOC) Project. The justification for this decision is because this firm completed the design and construction of the newly built Los Altos Community Center and is intimately familiar with the building spaces and operations. Also, the Noll & Tam design team has designed a number of essential services facilities, including EOCs.

Noll & Tam Architects was awarded a contract in the amount of \$89,243 on May 25, 2022, and awarded Amendment No. 1 in the amount of \$8,427 on December 7, 2022, to provide a conceptual design for incorporating a code-compliant Emergency Operations Center (EOC) into the recently completed Los Altos Community Center. Approval of Amendment No. 2 is

**Subject:** Second Amendment to the Noll & Tam Architects and Planners’ EOC Conceptual Design Agreement for the Design, Construction Documents, and Construction Administration for the New Emergency Operations Center (EOC)

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proposed herein to carry out a complete EOC design and construction documents for the EOC, along with construction administration support. The Scope of Work and a breakdown of the \$250,690 cost proposal is shown in Attachment A.

Noll and Tam estimates the following schedule between now and the EOC’s construction contract bid award.

- 1/9/23 - 2/20/23      Documentation- 6 weeks
- 2/20/23 - 4/03/23      Planning Review + CEQA
  - City or 3rd party consultant carries out CEQA review (~6 weeks)
- 4/03/23 - 4/17/23      Revise documents to incorporate planning + CEQA comments
- 4/17/23 - 5/29/23      Building Permit + Back Check
  - 4/03 – 5/01      City Initial Review (4 weeks)
  - 5/01 –5/15      Design Team Corrections (2 weeks)
  - 5/15– 5/29      City Back Check (2 weeks)
- 5/29/23 - 06/12/23      Prepare Bid Documents
- 6/12/23 - 07/19/23      Issue for bid/4 week bid period
- 8/22/2023              City Council Meeting: Award of Construction Contract

**Recommendation:**

The staff recommends the City Council adopt a resolution to authorize the City Manager to execute Amendment No. 2 to the EOC Conceptual Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$250,690 to provide Design, Construction Documents, and Construction Administration for a new Emergency Operations Center to be constructed in the Community Center.



**Attachment A**

**Scope of Work and Fee Estimate  
Design, Construction Documents, and Construction Administration  
Emergency Operations Center at the Los Altos Community Center  
Noll and Tam Architects and Planners  
11/20/2022**

Basic Service	Consultant	Construction Documents (CD)	Bidding Support & Negotiation	Construction Administration (CA)	ESTIMATED TOTALS CD-CA
Architectural Services	Noll & Tam Architects	\$52,610	\$5,020	\$19,020	\$76,650
Structural Engineering	Daedalus	\$9,900	\$0	\$1,100	\$11,000
Mechanical Engineering	Integral	\$16,500	\$0	\$5,500	\$22,000
Electrical Engineering	OMM	\$42,900	\$0	\$14,300	\$57,200
Civil Engineering	BKF	\$19,250	\$0	\$6,050	\$25,300
Cost Estimating	mack5	\$8,250	\$0	\$0	\$8,250
AV/Data/Security/Acoustics	SFMI	\$19,800	\$0	\$7,700	\$27,500
10% Contingency					\$22,790
<b>TOTALS</b>		<b>\$169,210</b>	<b>\$5,020</b>	<b>\$53,670</b>	<b>\$250,690</b>

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
FOR  
AWARD OF THE SECOND AMENDMENT TO THE NOLL & TAM  
ARCHITECTS AND PLANNERS' EOC CONCEPTUAL DESIGN AGREEMENT  
FOR  
THE DESIGN, CONSTRUCTION DOCUMENTS, AND CONSTRUCTION  
ADMINISTRATION FOR THE NEW EMERGENCY OPERATIONS CENTER  
(EOC)**

**WHEREAS**, The City of Los Altos hired Noll and Tam to provide a conceptual design for incorporating a code-compliant EOC into the recently completed Los Altos Community Center; and

**WHEREAS**, Noll & Tam Architects was awarded a contract in the amount of \$89,243 on May 25, 2022, and also awarded Amendment No. 1 in the amount of \$8,427 on December 7, 2022; and

**WHEREAS**, Noll and Tam found the Community Center has the required spaces needed to feasibly accommodate the design elements required for a new EOC; and

**WHEREAS**, Amendment No. 2 to Noll and Tam's contract will carry forth design, construction documents, and construction administration services for the EOC; and

**WHEREAS**, the FY 22/23 Council-approved CIP budget has adequate funding to fund the project.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby adopt a resolution to:

1. Authorize the City Manager to execute Amendment No. 2 to the EOC Conceptual Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$250,690 to provide Design, Construction Documents, and Construction Administration for a new Emergency Operations Center to be constructed in the Community Center, and
2. Authorize the City Manager to take such further actions as may be necessary to implement the foregoing agreement, and
3. Authorize the City Manager to obtain bids for construction of the EOC after construction documents are completed by Noll and Tam.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 13th day of December 2022 by the following vote:

- AYES:** Council Members Fligor, Weinberg, Lee Eng, Vice Mayor Meadows, Mayor Enander
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, Interim City Clerk



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Roberta Phillips](#)  
**To:** [Public Comment](#); [Gabriel Engeland](#)  
**Subject:** City Council Meeting Dec13 Please Pull Item # 4  
**Date:** Sunday, December 11, 2022 12:01:57 PM

---

Dear Council Members and City Manager Engeland  
Please pull item #4 from the Consent Calendar and move to a discussion item. I will attend the meeting via zoom, The Item is titled:

**Second Amendment to the Noll & Tam Architects and Planners’ EOC Conceptual Design Agreement for the Design, Construction Documents, and Construction Administration for the New Emergency Operations Center (EOC):**

Sincerely  
Roberta Phillips





## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT ITEM #4 DECEMBER 13, 2022  
**Date:** Monday, December 12, 2022 5:00:52 PM

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Council Members:

I echo Roberta Phillips' request to pull this item from the consent calendar.

When I first skimmed the staff report, I thought the justification for using Noll & Tam made sense, but after a second reading I'm not so comfortable.

"Noll & Tam Architects was awarded a contract in the amount of \$89,243 on May 25, 2022, and awarded Amendment No. 1 in the amount of \$8,427 on December 7, 2022, to provide a conceptual design for incorporating a code-compliant Emergency Operations Center (EOC) into the recently completed Los Altos Community Center."

Having already given them \$97,670, we pretty much seem to be on the hook. Now we want to give them another \$250,690. Maybe this is the best deal, but without any other bids, how do we know that's a fair price?

I understand they know the building, but any good contractor can read technical specs.

If this were your home and your money, wouldn't you want to know you were getting the best price?

Pat Marriott



**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject** Emergency Declaration Resolution

**Prepared by:** Jon Maginot, Assistant City Manager

**Approved by:** Gabe Engeland, City Manager

**Attachment(s):**

- 1. Resolution No. 2022-xx

**Initiated by:**

Staff

**Previous Council Consideration:**

March 12, 2020 (Declaration of Emergency); March 17, 2020; August 24, 2021; October 12, 2021; November 9, 2021; December 7, 2021; January 11, 2022; February 8, 2022; March 8, 2022; April 12, 2022; May 10, 2022; June 14, 2022; July 12, 2022; August 4, 2022; August 23, 2022; September 20, 2022; October 11, 2022; November, 15, 2022

**Fiscal Impact:**

None; however, a local emergency declaration is a prerequisite for requesting state or federal assistance.

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to renew its existing declaration by adopting a resolution declaring a local emergency to emphasize the need for continued adherence to public health guidance?

**Summary:**

- AB 361 requires the City to adopt a resolution every 30 days extending a local emergency declaration to continue to allow legislative bodies to meet virtually

**Staff Recommendation:**

Adopt a Resolution extending the declaration of a local emergency due to the COVID-19 pandemic

**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Emergency Declaration Resolution

---

**Purpose**

To adopt a resolution extending the existing declaration of emergency

**Background**

On March 12, 2020, the City Manager issued an Emergency Declaration in response to the COVID-19 pandemic. On March 17, 2020, the City Council adopted Resolution No. 2020-08 ratifying the Emergency Proclamation. The City Council subsequently adopted resolutions monthly beginning in October 2021 continuing the declaration of the existence of a local emergency due to the COVID-19 pandemic.

The threat posed by COVID-19 continues to pose a serious risk to the public health and safety of the City of Los Altos.

**Discussion/Analysis**

AB 361, signed into law on September 15, 2021, allows a public agency to continue to hold virtual City Council and Commission meetings while under a declaration of emergency without complying with certain elements of the Ralph M. Brown Act. The bill requires that a legislative body renew the declaration of emergency every 30 days in order to continue meeting in this manner. AB 361 applies to local agencies until January 1, 2024.

Although the availability of vaccines against COVID-19 has helped to lower overall case numbers and the severity of cases, COVID-19 remains a serious health concern, particularly for those with compromised immune systems. Adoption of the proposed resolution is needed to continue the City’s Emergency Declaration.

On October 17, 2022, Governor Newsom announced that the State COVID-19 State of Emergency will end on February 28, 2023. Should the City Council determine that the City’s Emergency Declaration should end at the same time, Council will need to adopt a Resolution declaring the end of the emergency. Termination of the Emergency Declaration will mean the City will be required to fully comply with all elements of the Brown Act, including the provisions of AB 2449. In addition, the ending of the Emergency Declaration will affect the Parklet Program. Staff will be returning to Council in early 2023 regarding the permanent Parklet Program. At the November 15, 2022 meeting, Council requested additional information regarding changes to the Brown Act related to teleconferencing. Staff will present this information in January 2023.

**Recommendation**

The staff recommends Council adopt the attached resolution extending the declaration of emergency due to the COVID-19 pandemic.

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE  
COVID-19 PANDEMIC**

**WHEREAS**, on March 12, 2020, the Los Altos City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

**WHEREAS**, since October 2021, the City Council has monthly adopted resolutions extending the declaration of a local emergency; and

**WHEREAS**, by the beginning of December 2022, approximately 2,500 Santa Clara County residents had died of COVID-19; and

**WHEREAS**, due to the diligence of Los Altos residents in complying with health guidance Los Altos has one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County; and

**WHEREAS**, vaccines provide proven protection against COVID-19; and

**WHEREAS**, by the beginning of December 2022, approximately 87.5 percent of Santa Clara County residents of all ages had been vaccinated, and statewide vaccination rates were higher than the national average; and

**WHEREAS**, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

**WHEREAS**, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

**WHEREAS**, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against variants than against prior strains of the SARS-CoV-2 virus; and

**WHEREAS**, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

**WHEREAS**, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and



**WHEREAS**, AB 361 requires the City Council make findings every thirty (30) days reaffirming the existence of a local emergency; and

**WHEREAS**, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Los Altos that:

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within thirty (30) days on the need for further continuing the local emergency. At this If deemed appropriate the City Council may take further action.

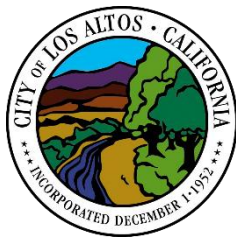
**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_ day of \_\_\_\_, 2022 by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
 Angel Rodriguez, INTERIM CITY CLERK



**CITY COUNCIL MEETING  
MINUTES  
7:00 PM - Tuesday, November 29, 2022  
via Videoconference and In Person**

**CALL MEETING TO ORDER**

At 7:00 p.m. Mayor Enander called the meeting to order.

**ESTABLISH QUORUM**

**PRESENT:** Councilmembers Fligor, Lee Eng (via Zoom), Weinberg, Vice Mayor Meadows, and Mayor Enander

**ABSENT:** None

**PLEDGE ALLEGIANCE TO THE FLAG**

Bree and Emery Najarian, with Troop 60477 will lead the pledge of allegiance.

**REPORT ON CLOSED SESSION**

No closed session, nothing to report.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

There were none.

**CONSENT CALENDAR**

1. **Annual Development Impact Fees:** Report for Fiscal Year 2022 (J. Du)
2. **Approve Addendum No. 11 to the Regional Water Quality Control Plant Basic Agreement:** Authorize the City Manager to execute Addendum No. 11 to the Regional Water Quality Control Plant Basic Agreement between the cities of Palo Alto, Mountain View, and Los Altos to fund rehabilitation and upgrade of the secondary treatment system and to increase the financing of the primary sedimentation tank rehabilitation project (T. Nguyen)
3. **Accept 1266 Montclair Way Storm Drain Outfall Repair Project CF-01026:** Adopt Resolution No. 2022-\_\_ accepting completion of the 1266 Montclair Way Storm Drain Outfall Repair, Project CF-01026; and authorize the Environmental Services and Utilities Director to record a Notice of Completion as required by law (T. Nguyen)
4. **Quarterly Investment Portfolio Report:** Receive the Investment Portfolio Report through September 30, 2022 (J. Du)

5. **Approve updated Conflict of Interest Code:** Adopt Resolution 2022-XX updating the Los Altos Conflict of Interest Code for staff and commissioners pursuant to the Political Reform Act of 1974 (A. Rodriguez)
6. **Minutes:** Approve Minutes of the City Council Regular Meeting of November 15, 2022. (A. Rodriguez)

Following a motion by Vice Mayor Meadows, seconded by Councilmember Weinberg, Items 1-6 were approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

## PUBLIC HEARINGS

7. **Approve use of Park-In-Lieu funds:** Authorize the City Manager or his designee to purchase and install shade structures over the playgrounds at the Los Altos Community Center and McKenzie Park in the amount of \$92,198.09 to the lowest responsible proposal from Ross Recreation Equipment (M. Hernandez)

Park and Recreation Director Hernandez presented the item to Council.

Councilmember Lee Eng asked a clarifying question to which Director Hernandez responded.

The following members of the public spoke: Nancy and Jeanine Valadez.

Director Hernandez responded to public comment.

Following a motion by Councilmember Fligor, seconded by Vice Mayor Meadows, to purchase and install shade structures over the playgrounds at the Los Altos Community Center and McKenzie Park in the amount of \$92,198.09 was approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

8. **Adopt an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments.** This Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the

Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Possible Action:

A. Adopt an Ordinance amending Title 12 Buildings and Construction of the Los Altos Municipal Code, Sections 12.04, 12.08, 12.10, 12.12, 12.16, 12.20, 12.22, 12.24, 12.26, 12.30, 12.32, 12.42 and 12.68 adopting by reference the 2022 CALIFORNIA ADMINISTRATIVE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION AGENCY; 2022 CALIFORNIA ENERGY CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA HISTORICAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND 2022 CALIFORNIA REFERENCED STANDARDS CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

Councilmember Fligor asked a clarifying question to which Environmental Services Director Fairman responded to.

There was no public comment.

Following a motion by Vice Mayor Meadows, seconded by Councilmember Fligor, to adopt an Ordinance amending Title 12 Buildings and Construction of the Los Altos Municipal Code, Sections 12.04, 12.08, 12.10, 12.12, 12.16, 12.20, 12.22, 12.24, 12.26, 12.30, 12.32, 12.42 and 12.68 adopting by reference the 2022 CALIFORNIA ADMINISTRATIVE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION AGENCY; 2022 CALIFORNIA ENERGY CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA HISTORICAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND 2022 CALIFORNIA REFERENCED STANDARDS CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; was approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None

ABSTAIN: None

## DISCUSSION ITEMS

**9. City of Los Altos Flag Raising Policy:** Adopt Resolution 2022-XX of the City of Los Altos defining a Flag Raising Policy (A. Carnesecca)

Economic Development Coordinator Carnesecca presented the item to Council.

The following members of the public spoke: Jeanine Valadez, Nancy, and Roberta Phillips.

Councilmember Weinberg commented on this item. Council asked clarifying question to which City Attorney Houston, Economic Development Coordinator Carnesecca, and City Manager Engeland responded to.

Council engaged in discussion.

A motion by Councilmember Weinberg, seconded by Councilmember Fligor, to adopt resolution of the City Council of the City of Los Altos allowing for and establishing a Flag Raising Policy as a pilot program and to be brought back to Council for review no later than December 31, 2023, with the amendment that the Mayor does not have referral authority and that Staff bring forth a recommendation with respect to any application that is brought to Council, was approved with the following roll call vote:

AYES: Councilmembers Fligor, Weinberg, Vice Mayor Meadows  
 NOES: Councilmember Lee Eng, Mayor Enander  
 ABSENT: None  
 ABSTAIN: None

**10. Appoint Representative to VTA North County Cities Group:** Nominate a Councilmember to serve as the Valley Transportation Authority Board Alternate for the North County Cities Group

Mayor Enander introduced this item to the Council.

Council engaged in discussion.

The following member of the public spoke: Roberta Philips.

Council engaged in further discussion.

Mayor Enander moved to nominate both Councilmembers Weinberg and Lee Eng to be considered by the North County Cities Group to be the Valley Transportation Authority Board Alternate, and was seconded by Councilmember Lee Eng.

A substitute motion made by Councilmember Fligor to nominate Councilmember Weinberg to be considered by the North County Cities Group to be the Valley Transportation Authority Board Alternate, was seconded by Vice Mayor Meadows, was approved with the following roll call vote:

AYES: Councilmembers Fligor, Weinberg, Vice Mayor Meadows  
 NOES: Mayor Enander  
 ABSENT: None  
 ABSTAIN: Councilmember Lee Eng



**11. Review and Provide Direction:** Request for Transit Service Planning on San Antonio Road Corridor  
(M. Lee)

Mayor Enander introduced the item to the Council.

Councilmember Fligor asked clarifying questions to which City Manager England responded to.

There was no public comment.

Council directed staff to draft a letter indicating that the Council is interest in being part of the process.

**INFORMATIONAL ITEMS ONLY**

**12. Tentative Council Calendar**

Councilmember Fligor asked for the start time of the Reorganization meeting in December to which Assistant City Manager Maginot responded to.

**COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

Councilmember Lee Eng asked support for having a discussion item establishing a license plate reader in City of Los Altos which received support from Councilmember Weinberg and Mayor Enander.

Councilmember Fligor asked for an update on intersections on Foothill to which Public Works Director Sandoval responded to.

Councilmember Fligor asked for support from Council to form a subcommittee to explore how to address airplane noise, which received a second from Vice Mayor Meadows.

Councilmember Fligor asked about office hours for Councilmembers. City Manager Engeland indicated Staff will be happy to support any Councilmember with advertising their office hours.

Mayor Enander asked if the City will need to update to the HRI because of the passing of the new building code to which Community Development Director Zornes responded.

Councilmember Lee Eng reported that the celebrations of the 70<sup>th</sup> anniversary of the City will start on December 1.

Councilmember Weinberg reported that the JVAC Awards Ceremony will take place on Friday, December 2.

Mayor Enander reported that the tree lighting ceremony will take place at the Veterans Plaza on December 1.

**ADJOURNMENT**

Mayor Enander adjourned the meeting at 9:14 pm.

\_\_\_\_\_  
Anita Enander MAYOR

ATTEST:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



**CONSENT CALENDAR**  
**Agenda Item #**

**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject:** Resolution No. 2022-xx: Transfer Unclaimed Funds to Originating Fund

**Prepared by:** Minh Nguyen, Accounting Technician II

**Reviewed by:** June Du, Finance Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Resolution 2022-xx
2. List of Unclaimed Checks

**Initiated by:**

Staff

**Previous Council Consideration:**

Unclaimed Funds Policy and Procedure – June 12, 2018

**Fiscal Impact:**

Revenue in the amount of \$8,805.79 to be allocated to the originating fund

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

None

**Summary:**

- On June 12, 2018, City Council approved the Unclaimed Funds Policy and Procedures according to Government Code Sections 50050 through 50056
- The outstanding and unclaimed checks by a payee more than three consecutive years and more than \$15 was publicly advertised in the Town Crier on October 12, 2022
- After the public notification period of no less than forty-five (45) days and not more than sixty (60) days, Finance established a list of unclaimed funds to be transferred to the originating fund

**Staff Recommendation:**

Adopt Resolution No. 2022-xx and approve the transfer of the unclaimed funds to the originating fund

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Resolution No. 2022-xx: Transfer Unclaimed Funds to Originating Fund

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**Purpose**

Reduce the number of unclaimed checks and transfer the outstanding amount to the originating fund in accordance with State law.

**Background**

Follow the unclaimed funds policy and procedures according to the Government Code Section 50050 through 50056 to minimize the number of outstanding checks.

**Discussion/Analysis**

Any outstanding checks more than \$15 was publicly advertised in the Town Crier on October 12, 2022. The public notification period was no less than forty-five (45) days and not more than sixty (60) days. Any outstanding checks less than \$15 and with an unknown name were also included in the attached list of Unclaimed Checks. The total amount of unclaimed checks is \$8,805.79, which \$8,425.79 is to be transferred to the General Fund and \$380.00 to the Sewer Fund.

**Options**

- 1) Adopt Resolution No. 2022-xx and approve the transfer of the unclaimed funds to the originating fund

**Advantages:** Follow the Unclaimed Checks Policy in accordance to State law

**Disadvantages:** None

- 2) Do not adopt the Resolution No. 2022-xx or approve the transfer of outstanding funds

**Advantages:** None

**Disadvantages:** Not in compliance with state law or the Unclaimed Funds Policy

**Recommendation**

The staff recommends Option 1

**RESOLUTION NO. 2022-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
RELEASING UNCLAIMED FUNDS**

**WHEREAS**, it is the policy of the City of Los Altos to take possession of long standing unclaimed checks in accordance with Government Code Sections 50050 through 50056; and

**WHEREAS**, each of the checks listed on the attached summary is less than \$15, or for any amount in which the depositor’s name is unknown, and have been unclaimed for more than one year; and

**WHEREAS**, the attached summary may also include checks in amounts greater than \$15 that have been unclaimed for more than three years and notice thereof was published in the Los Altos Town Crier on October 12, 2022 as required by Government Code Section 50050.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby orders that the unclaimed checks on the attached list in the total amount of \$8,805.79 shall be transferred to the originating fund in accordance with Sections 50053 and 50055 of the California Government Code.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 13th day of December 2022 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK

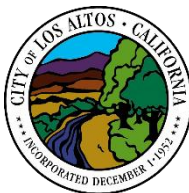
## Public Notice City of Los Altos Unclaimed Funds

Pursuant to Government Code Section 50050, the City of Los Altos publishes below its list of unclaimed checks that have been held by the City at Los Altos for an extended period at time. The funds listed below are held in the fund City's Finance Department and shall become the property of the City of Los Altos after the passage of 3 years from the check issue date, unless a party of interest files a claim with the City of Los Altos Finance Department, 1 N San Antonio Rd, Los Altos, CA 94022 or by email to AP@losaltosca.gov.

For information regarding the unclaimed funds, please contact Account Payable at (650)947-2694 or AP@losaltosca.gov

Payee Name	Check Date	Net Amount	Payee Name	Check Date	Net Amount
A & B BASKETBALL	03/07/2019	\$ 500.00	MVLA SPEECH & DEBATE BOOSTERS	06/27/2019	\$ 501.00
ALL STAR GLASS INC	02/21/2019	\$ 356.60	NAVA, EDGAR	09/19/2018	\$ 48.00
ANTHONY FRIEBEL	01/26/2018	\$ 16.00	NEGRETTE, VIOLET	04/20/2018	\$ 20.00
BRIZGYS, AUSTIN	06/01/2018	\$ 31.56	NIEDERAUER, CHRIS	06/01/2018	\$ 26.66
BROOKS, ERIC	03/22/2018	\$ 89.53	OAKLAND SERVICE OF PROCESS INC	12/13/2018	\$ 275.00
BROSSEAU WINES	06/12/2019	\$ 31.25	OCCHIPINTI CONSTRUCTION	03/07/2019	\$ 58.50
CCAC	07/09/2012	\$ 200.00	OCEAN GROVE CHARTER	06/12/2019	\$ 250.00
CHAPMAN, JUDITH	03/22/2018	\$ 63.00	PARASNIS, ROHAN	04/21/2017	\$ 20.00
CWEA-SCVS	03/22/2018	\$ 520.00	PREETHA, PERGAERGT	05/30/2019	\$ 500.00
FOOTHILL COLLEGE DISTRICT POLI	11/28/2018	\$ 100.00	PSCMA	11/28/2018	\$ 425.00
GREEN, ANNE	11/28/2018	\$ 50.00	THE ROCK TILE CONTRUCTION	06/12/2019	\$ 18.75
GUARDIAN OF MEMORIES	03/22/2018	\$ 105.00	SARACI-ALONSO, NORA	05/02/2019	\$ 30.00
GUTIERREZ, FELIPE	12/08/2014	\$ 54.50	SOULFORCE LEADERSHIP	12/27/2018	\$ 572.00
INTERNATIONAL INSTITUTE OF MUN	06/12/2019	\$ 210.00	STACIE WALKER HAIR DESIGN	02/06/2019	\$ 25.00
ISLAND KIDS LLC	11/01/2018	\$ 2,520.00	T & T Tools Inc.	03/22/2018	\$ 185.00
Jordan, Chris	03/21/2019	\$ 102.61	T&D GARDENING	06/12/2019	\$ 33.33
KONE, MAMADOU	05/30/2019	\$ 250.00	WESTERN CHAPTER ISA	03/16/2012	\$ 175.00
LOS ALTOS PAINTING & DECORATIN	06/12/2019	\$ 37.50	XIE, KATHLEEN	04/20/2018	\$ 20.00
MVLA SPEECH & DEBATE BOOSTERS	05/16/2019	\$ 385.00			





**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject** Establishment of a 401(a) Money Purchase Plan for Unrepresented Employees

**Prepared by:** Irene Silipin, Human Resources Director

**Reviewed by:** Gabriel Engeland, City Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. Resolution 2022-XX

**Initiated by:**

Staff

**Previous Council Consideration:**

Special Council Meeting on January 18, 2022 (Employee Recruitment and Retention)

City Council Meeting on March 22, 2022 (Total Compensation Philosophy)

Closed Session on May 10, 2022 (Conference with Labor Negotiators)

City Council Meeting on June 28, 2022 (FY 21/22 Final Budget and FY 22/23 Mid Term Budget)

**Fiscal Impact:**

There is no impact to the budget associated with the adoption of this resolution.

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to adopt Resolution 2022-XX?

**Summary:**

- On January 18, 2022, staff presented to City Council the need to discuss employee attraction, recruitment and retention issues.
- As a tool for attracting and retaining highly competent employees by offering competitive employee compensation and benefits, council approved an employer match of employee contributions toward deferred compensation at the FY 22/23 Mid Term Budget on June 28, 2022.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Establishment of a 401(a) Money Purchase Plan for Unrepresented Employees

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- As a means of facilitating these employer matching contributions, staff recommend adopting a 401(a) deferred compensation plan. This allows employees to have a separate deferred compensation account with a higher IRS maximum contribution and does not limit an individual employee’s ability to set aside money into their 457 deferred compensation account.

**Staff Recommendation:**

Adopt resolution 2022-XX to establish a 401(a) Money Purchase Plan for unrepresented employees and authorize the City Manger to execute the required adoption documents.



**Subject:** Establishment of a 401(a) Money Purchase Plan for Unrepresented Employees

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**Purpose**

The purpose of the establishment of the City of Los Altos 401(a) Money Purchase Plan is to offer unrepresented employees an alternative tax savings vehicle to set-aside employer matching contributions aside from their 457 deferred compensation accounts.

**Background**

On January 18, 2022, staff presented at the City Council Retreat the topic of Employee Attraction, Recruitment and Retention. Discussion of current state of the City’s compensation philosophy, classification system, turnover and separation rates, organizational continuity, and comparison of Los Altos to the marketplace.

Los Altos has been unable to retain employees, experienced a high degree of turnover among its unrepresented employees and has also faced difficulty in receiving applicants from qualified individuals for these positions.

On March 22, 2022, staff brought forward to Council, a Total Compensation Philosophy as a framework that enables the City Council to make systematic decisions around employee total compensation.

On May 10, 2022 staff presented proposed unrepresented total compensation changes to bring Los Altos up to our market peers including; increasing the number of observed holidays, allowing employees to cash out unused management leave, implementing a wellness benefit, and having the city match a percentage of employee’s contributions into deferred compensation.

On June 28, 2022, Council adopted the implementation and costs of these new benefits into the FY 22/23 Mid Term Budget.

**Discussion/Analysis**

Several unrepresented employees contribute the standard IRS maximum of \$20,500 for calendar year 2022 toward their 457 deferred compensation plan. As a result, employer matches in a 457 deferred compensation account limit what an employee can voluntarily set aside for retirement. As an alternative, a 401(a) money purchase plan has an IRS maximum of \$61,000 for calendar year 2022. A 401(a) money purchase plan allows employees to set aside additional money for retirement and employer matching without limiting an individual employee’s ability to set aside money for retirement.



**Subject:** Establishment of a 401(a) Money Purchase Plan for Unrepresented Employees

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**Recommendation**

Staff recommends City Council adopt the resolution establishing a 401(a) Money Purchase Plan for Unrepresented Employees.

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING THE ESTABLISHMENT OF A 401(A) MONEY PURCHASE PLAN  
FOR UNREPRESENTED EMPLOYEES**

**WHEREAS**, the City of Los Altos has employees rendering valuable services; and

**WHEREAS**, the City of Los Altos has employees who are unrepresented by any union;  
and

**WHEREAS**, the City of Los Altos competes with peer cities for talented employees that  
have similar deferred compensation benefit plans for their unrepresented employees;

**WHEREAS**, the establishment of a 401(a) money purchase plan serves the interests of  
the City of Los Altos be enabling to stay competitive in the marketplace in the attraction  
and retention of talented personnel; and

**WHEREAS**, the establishment of a 401(a) money purchase plan benefits employees by  
providing funds for retirement and funds for their beneficiaries in the event of death; and

**WHEREAS**, the City of Los Altos desires that its 401(a) money purchase retirement plan  
be administered by MissionSquare Retirement.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los  
Altos hereby establishes a 401(a) money purchase retirement plan (the “Plan”) in the  
form of the MissionSquare Retirement Governmental Money Purchase Plan, pursuant to  
the specific provision of the Adoption Agreement (Executed copy attached hereto); and

**BE IT FURTHER RESOLVED** that the City of Los Altos hereby adopts the Declaration  
of Trust of VantageTrust Company dated May 2001, intending this adoption to be  
operative with respect to any retirement or deferred compensation plan subsequently  
established by the City of Los Altos, if the assets of the Plan are to be invested in the trust  
created by such Declaration of Trust (the “VantageTrust”) that provides for the  
commingled investment of retirement funds; and

**BE IT FURTHER RESOLVED** that the City of Los Altos hereby agrees to serves as  
trustee under the Plan and to invest funds held under the Plan in the VantageTrust or in  
any other qualified investment options for the Plan; and

**BE IT FURTHER RESOLVED** that the Human Resources Director shall be the  
coordinator for the Plan; shall receive reports, notices, etc., from MissionSquare  
Retirement or the VantageTrust; shall cast, on behalf of the City of Los Altos, any  
required votes under the VantageTrust; may delegate an administrative duties relating to  
the Plan to appropriate departments; and

**BE IT FURTHER RESOLVED** that the City of Los Altos authorizes the City Manager to execute all necessary agreements with MissionSquare Retirement incidental to the administration of the Plan.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_ day of \_\_\_\_, 2022 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK





**AGENDA REPORT SUMMARY**

**Meeting Date:** December 8, 2022

**Subject** Resolution No. 2022-xx: Declaration of election results and canvass of returns

**Prepared by:** Angel Rodriguez, Interim City Clerk

**Reviewed by:** Jon Maginot, Assistant City Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. Resolution No. 2022-xx

**Initiated by:**

California State Elections Code

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- There are no policy questions for Council consideration. This action is required by State Law

**Summary:**

- Council must adopt a Resolution declaring the results of the November 8, 2022 Election
- Top vote getters were Neysa Fligor and Pete Dailey

**Staff Recommendation:**

Adopt a Resolution accepting the Certificate of Election Results from the Santa Clara County Registrar of Voters for the November 8, 2022 General Municipal Election and declaring the results to be final

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Resolution No. 2022-xx: Declaration of election results and canvass of returns

**Purpose**

To adopt a Resolution certifying the results of the November 8, 2022 General Municipal Election

**Background**

The California State Elections Code Section 15400 *et seq.* requires the City to declare elected the person (or persons) having the highest number of votes for office as well as the results of all City ballot measures, if any. An election was held on November 8, 2022 to fill two seats on the City Council.

**Discussion/Analysis**

The Santa Clara County Registrar of Voters completed the canvass of returns and has counted the ballots cast.

Council Election

A total of 22,308 votes were counted as of December 5, 2022 (voters were allowed to cast up to 2 votes). The following details the results of the election:

CANDIDATE	NUMBER OF TOTAL VOTES	NUMBER OF VOTES BY MAIL	NUMBER OF VOTES AT PRECINTS	% OF VOTES CAST
Neysa Fligor	9,002	8,644	358	40.35%
Pete Dailey	6,780	6,469	311	30.39%
Anita Enander	6,474	6,066	408	29.02%
Roger Heyder	52	41	11	0.23%
<b>Totals</b>	22,308	21,220	1,088	

**Recommendation**

The staff recommends Council adopt a Resolution certifying the results of the November 8, 2022 General Municipal Election.

**RESOLUTION NO. 2022-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
RECITING THAT A REGULAR MUNICIPAL ELECTION WAS HELD IN THE  
CITY OF LOS ALTOS ON TUESDAY, NOVEMBER 8, 2022, CONFIRMING  
THE RESULTS OF THE CANVASS AND DECLARING THE RESULT**

**WHEREAS**, a General Municipal Election was held and conducted in the City of Los Altos, California on Tuesday, November 8, 2022, as required by law, for the purpose of filling two seats on the City Council; and

**WHEREAS**, notice of the election was given in time, form and manner as provided by law; and

**WHEREAS**, the Santa Clara County Registrar of Voters canvassed the returns of the election and has certified the results to the City Council.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby declares as follows:

That the canvass is confirmed, and that the following are the results of the canvass and of the election:

- A. That the total number of ballots cast in the City of Los Altos in the election is set forth in the Registrar of Voters’ Certificate of Election attached as Exhibit A;
- B. That the candidates for City Council who received the highest number of votes and have therefore been elected to full terms of four years each are:

Neysa Fligor  
Pete Dailey

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_ day of \_\_\_\_, 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A General Election was held in the County of Santa Clara, for the **City of Los Altos**, on November 8, 2022 for the purpose of electing **two (2) full-term Council Members** to the Governing Board.

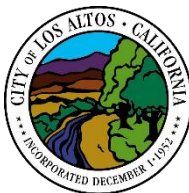
2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file in my office and attached hereto, shows the number of votes for each candidate for the Governing Board of the **City of Los Altos** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 8<sup>th</sup> day of December 2022.

*Shannon Bushey*  
Shannon Bushey, Registrar of Voters





**AGENDA REPORT SUMMARY**

**Meeting Date:** December 13, 2022

**Subject** Council Reorganization: Submit nominations for Mayor and Vice Mayor for 2022/2023

**Prepared by:** Angel Rodriguez, Interim City Clerk

**Reviewed by:** Jon Maginot, Assistant City Manger

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

None

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Which individuals do Council wish to serve as Mayor and Vice Mayor for 2022/2023?

**Summary:**

- Councilmembers serve as Mayor or Vice Mayor for one year
- The Council Norms and Procedures outline the process for selecting Mayor and Vice Mayor

**Staff Recommendation:**

Submit nominations for Mayor and Vice Mayor for 2022/2023

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JD



**Subject:** Council Reorganization: Submit nominations for Mayor and Vice Mayor for 2022/2023

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**Purpose**

To select a Mayor and Vice Mayor for 2022/2023.

**Background**

Section 2.2 of the Council Norms and Procedures details the process for the Election of Mayor (for complete text of the section, see the [Council Norms and Procedures](#)):

“Election of Mayor. Only Council members elected by the voters may serve as Mayor...the term of office shall be one year. The Council member must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Council member with a minimum of 23 months of service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.”

Section 2.3 outlines the process for the Election of Vice Mayor (for complete text of the section, see the [Council Norms and Procedures](#)):

“Election of Vice Mayor. Only Council members elected by the voters may serve as Vice Mayor...the selection process for determining who shall serve as Vice Mayor will follow that of Mayor, except the Councilmember must have served at least 11 months to be eligible to serve as Vice Mayor.”

**Discussion/Analysis**

The following is a list of Council members in order of seniority and service record:

- Council Member Lee Eng (re-elected in 2020 with the second highest number of votes, originally elected in 2016 with the third highest number of votes, previously served as Vice Mayor in 2017/18 and Mayor 2018/19)
- Council Member Fligor (re-elected in 2022 with the highest number of votes, elected in 2018 with the highest number of votes, served as Vice Mayor 2019/20 and Mayor 2020/21)
- Council Member Sally Meadows (elected in 2020 with the highest number of votes, served as Vice Mayor 2021/22)
- Council Member Jonathan Weinberg (elected in 2020 with the third highest number of votes)
- Council Member Pete Dailey (elected in 2022 with the second highest number of votes)

Any Councilmember may offer a nomination for the position of Mayor, with no second required. If at least three affirmative votes are cast, the nominated member becomes the Mayor.





**Subject:** Council Reorganization: Submit nominations for Mayor and Vice Mayor for 2022/2023

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Following the selection of Mayor, any Councilmember may offer a nomination for Vice Mayor. A second is not required. If at least three affirmative votes are cast, the nominated member becomes the Vice Mayor.

Seating of Councilmembers

Section 2.1 of the Council Norms and Procedures outlines the process for seating of Councilmembers:

“Seating preferences on the dais shall be made by the Mayor, Vice Mayor and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.”

**Recommendation**

Submit nominations for Mayor and Vice Mayor for 2022/2023.